

OPTIONS FOR FUTURE UTILIZATION

of

CULPEPER JUVENILE CORRECTIONAL CENTER

Report in response to Item 401, 2003 Appropriation Act

October 15, 2003

John W. Marshall
Secretary of Public Safety

PURPOSE OF REPORT

Item 401(B) of Chapter 1042, 2003 Acts of Assembly (the Appropriation Act) provides:

“The Secretary of Public Safety, in consultation with the Secretary of Administration and with local governments in the region, shall report on options for future utilization of the Culpeper Juvenile Correctional Center. Copies of the report shall be provided to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees by September 15, 2003.”

Letters requesting an extension for this report to October 15, 2003, were mailed to the Chairmen. The extension was requested to allow for consideration of the new state and local juvenile and adult offender population forecasts, as required by October 15, 2003, in Item 401(A) of Chapter 1042.

A meeting was held on July 21, 2003, and included representatives from the Offices of the Secretaries of Public Safety and Administration, as well as the Department of Juvenile Justice (DJJ), the State Compensation Board, the Department of Criminal Justice Services (DCJS), Culpeper and Rappahannock Counties, and the Culpeper and Fauquier County Sheriffs’ Offices.

At this meeting, proposals were presented by local government and Sheriffs’ representatives to utilize the existing Culpeper Juvenile Correctional Center for a Tri-County Co-Located Juvenile and Adult Detention Center.

The Department of Juvenile Justice provided a presentation indicating that it would require the capacity at Culpeper to maintain its population of juvenile offenders committed to the State.

The Department of Criminal Justice Services, which is the Commonwealth’s compliance agency for the Juvenile Justice and Delinquency Prevention Act, provided information on the requirements of sight and sound separation of juvenile from adult offenders.

Copies of each presentation are included in the Appendix to this report.

OVERVIEW OF CULPEPER JUVENILE CORRECTIONAL CENTER

Culpeper Juvenile Correctional Center was constructed at a cost of \$28.9 million, funded through debt issued by the Virginia Public Building Authority, and opened in 1999. Current debt service costs are approximately \$2.4 million per year.

The facility was built as a high security center, designed to house up to 225 juvenile offenders committed to the state in four housing units, and up to 50 juveniles in a separate detention unit. The Detention portion of the facility is separated from the correctional center portion by an administration/program services building, which both facilities share. This design allows these two populations to be housed separately.

Prior to construction, an agreement was signed with Culpeper County to allow the facility to be built in the County, on the condition that it included a detention center which the County could use, at a cost below that charged by other centers for housing offenders from outside of their jurisdiction.

The facility is located adjacent to the Department of Corrections' Coffeewood Correctional Center, separated by several hundred yards, with a land berm separating them.

A diagram of the facility is included in Appendix B.

When Culpeper JCC opened in 1999, it received funding sufficient to open only two of the four housing units designated for state juvenile offenders. As a result, the population during the first three years of operation ranged between 110 and 120 wards, all housed in two JCC units. The facility housed offenders requiring a high level of security.

No general funds were provided for operation of the Detention Center. Instead, the center was required to operate based on fees charged to localities that housed their juvenile offenders at the facility. This included localities with no detention homes of their own, as well as localities that had insufficient capacity in their own detention homes. Initially, an average of 40 to 50 beds were provided, for a fee, to various localities.

Because a number of localities constructed additional detention capacity over the next few years, DJJ was unable to generate sufficient revenues to continue to operate the full 50 bed unit. Since that time, use has been limited to Culpeper County. Because of the original agreement with the County, Culpeper has been allowed to continue to occupy detention beds.

The introduced budget (December, 2001) included a budget cut of \$6.1 million in General Fund appropriations (from approximately \$8.1 million previously appropriated) for the Culpeper JCC. In order to keep the facility open, DJJ had to change its mission from a maximum to a lesser security operation, requiring a lower level of staffing and cost. The male juvenile population was relocated into other centers, and female offenders were moved to Culpeper. Resources were reallocated from the other seven juvenile correctional centers to provide the minimum needed to operate. Since then, the average monthly female population has tended to be cyclical, ranging from a high of 106 to a low of 59.

NEED FOR ADDITIONAL JAIL CAPACITY IN THE REGION

Culpeper County Jail has a capacity of 37 inmates – as of September 5, 2003, it held 92 local and state inmates (149% above capacity).

Fauquier County Jail has a capacity of 56 inmates – as of September 5 it held 71 local and state inmates (27% above capacity).

Fredericksburg/Rappahannock Regional Jail has a capacity of 592 inmates – as of September 5 it held 852 local and state inmates (44% above capacity).

Rappahannock County Jail has a capacity of 7 inmates – as of September 5 it held 16 local inmates (129% above capacity).

Additionally, the Fredrick/Clarke/Winchester Regional Jail, which Fauquier County may utilize, currently has a capacity of 266 inmates – as of September 5 it held 411 local and state inmates (55% above capacity). Item 417(C.5) of Chapter 1042, exempts this facility from the existing moratorium on jail construction, and provides that it may expand capacity by 120 beds. A portion of this added capacity is intended for Fauquier County's use.

Based upon the October 15, 2003, revised forecast, local jail populations (excluding state inmates that may be held in jails) is expected to grow at a rate of 6.46% in fiscal year 2004, 4.43% in fiscal year 2005, and 4.89% in fiscal year 2006.

The three localities in the region propose to utilize the Culpeper Juvenile Correctional Center (excluding the detention portion) to house inmates to relieve their existing and projected increased crowding. They would reimburse the state a to-be-determined amount as a lease payment. Funding arrangements would also need to be reached with the State Compensation Board, which provides jail operating funding.

If the Center were used for this purpose, Fauquier County would no longer require space in the Fredrick/Clarke/Winchester Regional Jail. All of the jails currently operating for the three localities would continue to remain open.

This proposal would provide for Culpeper County to be the primary operator of the facility. Adult inmates would be housed in the 225 bed portion of the Center (cells could be double bunked to increase the number of offenders housed), while maintaining the detention component for locally held juveniles. Culpeper County currently houses all juveniles in detention at this unit – this number has ranged from four to eight juvenile offenders on any given day over the past year.

NEED FOR CAPACITY FOR JUVENILES COMMITTED TO THE STATE

DJJ currently operates eight correctional centers, and has a contract for a 32 bed, privately run Wilderness Work Camp, located outside of Grundy, Virginia. In total, and including the private facility, DJJ has an operating capacity of 1,175 beds. This includes 72 beds at Culpeper (the number of beds DJJ is able to fund), and 166 beds at the specialized Reception and Diagnostic Center (RDC). All juvenile offenders committed to the state begin their incarceration at RDC, where they undergo educational, physical and mental health assessments over the next 30-45 days, and are classified and assigned to one of the remaining facilities.

Over the next year, about 54 beds will temporarily come off line, as several older housing units at Hanover JCC will be renovated using federal grant funding. These beds will come back on line after the renovation is completed – approximately 18 months after the project begins.

Correctional center capacity could be increased without additional construction if the agency's appropriation were increased and it could open the remaining units at Culpeper (designed to hold 225 state-committed juveniles).

DJJ's population was 1,164 in June 2003. Based on the recently revised offender forecast, that population is expected to decrease by 0.3 by June 2004, then increase by 5.9% by June 2005 and 1.2% by June 2006 (to a population of 1,244). Without the bed capacity currently provided at Culpeper, there would be insufficient beds to house the projected number of juveniles.

In its presentation at the July 21 meeting, DJJ stated that it needs the current capacity at Culpeper, and will need the remaining, unopened space as the number of juveniles committed to it increases. Additionally, it claims that it requires more secure space than the remaining JCCs can provide, citing statistics on the makeup of its current offender population:

- 59% of DJJ wards are age 17 or older;
- 21% of the total population were committed from Circuit Courts (these juveniles were convicted as adults, but sentenced in whole or in part in the juvenile system);
- Wards with a High or Intensive classification rating make up 34% of the total committed population.

A narrative provided by the agency (included with its presentation in Appendix E) states that it plans to convert Culpeper JCC back into a high security facility, in the near future, to house older, more aggressive male wards. It also raises the probability that it will have to maintain separate housing for its wards who are 18 to 20 years old and who have been convicted in circuit court. This issue is discussed below.

SIGHT & SOUND SEPARATION REQUIREMENTS FOR ADULT & JUVENILE OFFENDERS

The Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP) contains requirements that juvenile offenders be maintained such that they have neither sight nor sound contact with adult offenders. The Department of Criminal Justice Services is the state agency charged with monitoring compliance of these requirements.

DCJS was asked to visit Culpeper to assess the feasibility of housing both adult and juvenile offenders at the facility. Specifically, it was asked to determine whether such co-housing could be managed, and what physical or scheduling modifications would have to be made to allow it, without violating JJDP rules.

DCJS was further asked to determine whether collocation could occur under two sets of circumstances:

1. Housing adult offenders in the four housing units currently comprising the correctional center side, and housing juvenile detainees on the detention side, and
2. Housing DJJ committed youth in two buildings on the JCC side along with adult offenders in the two remaining JCC buildings that are currently not funded for use, while retaining the detention component for local juvenile detainees.

The first option is based on the proposal made by the localities, while the second recognizes that half of the facility is currently not in use and leaves the potential for temporary use as a jail.

The compliance Monitor submitted a memorandum, which is included in Appendix F and is summarized below:

1. Option 1 is doable. However, it would require physical plant modifications and changes in staffing and program scheduling. The Monitor indicated he would review any proposals to ensure sight and sound separation to make certain that the JJDP requirements are met.
2. Option 2 is less feasible, and would require major modifications to the facility. In all likelihood, this option would prove too costly and would still involve operational risks.

A second issue discussed by DCJS at the July 21 meeting relates to a new JJDP rule which may require juveniles who are 18 and ½ years old and older and who have been convicted in Circuit Court to be housed separately from younger offenders who have been found delinquent in Juvenile and Domestic Relations (J&DR) Courts. Asked to do follow-up work on this issue, the Monitor provided additional written guidance.

This latter issue may require DJJ to further separate its offender population, adding to the need for the Culpeper facility.

SUMMARY OF OPTIONS FOR FUTURE UTILIZATION OF CULPEPER JUVENILE CORRECTIONAL CENTER

The several options discussed at the July 21 meeting, which were set forth above, include:

Remove the facility from the control of DJJ. Lease it to Culpeper, Fauquier and Rappahannock Counties for use as an adult jail, while retaining the detention component. This would require capital modifications to the structure, would require negotiation of a lease, and would require funding, through the State Compensation Board, for the state share of operating costs. An additional question is whether the state would share in the cost of the modifications required.

Allow the three Counties to temporarily utilize two housing units, which are currently empty, to house adult offenders. The costs and uncertainties relating to this option are greater than the preceding option. The localities indicated that, while they would not rule out this option, they were seeking a more permanent solution to their jail crowding problems. Additionally, the expected cost for implementing such a temporary move would likely prove excessive.

Retain the facility for its current mission, housing juveniles committed to the state, along with youth held in detention. This would provide DJJ with capacity it requires now, and could expand capacity, without additional construction, as the population grows. This option also provides DJJ with space that it expects to need to separate offenders who were convicted in Circuit Court from those committed by the J&DR Court.

Department of Juvenile Justice

Plan For

Culpeper Juvenile Correctional Center

The primary goal of the Department of Juvenile Justice (DJJ) for committed wards during incarceration is to provide care, treatment and control of the wards in such a manner as to maximize public safety. Accomplishing this goal requires personnel; resources and institutions to house committed wards and separate the wards based upon nationally accepted correctional classification practices. These practices include at a minimum, age, gender, stature, medical and psychological needs, treatment/service needs, security level, length of stay, protective care and educational placement. Culpeper is one of seven institutions in addition to the Reception and Diagnostic Center operated to meet this DJJ goal. Culpeper is an essential and integral institution required by DJJ without which public safety and care, treatment and control of wards will be jeopardized. The requirement for Culpeper to be retained and utilized by DJJ is outlined below:

- Current Correctional Center Capacity including the Reception and Diagnostic Center is 1143. Losing ownership of Culpeper, at the current capacity of 72, will reduce Correctional Center Capacity to 1071. This loss will also result in an immediate and ongoing overcrowding situation in the remaining facilities as the females currently housed at Culpeper will need to be absorbed into the other facilities. Additionally, this takes away the future possibility to increase the Correctional Center Capacity to 1296 by fully utilizing all 225 beds at Culpeper to accommodate projected increased population.
- Population forecasting for DJJ indicates that the number of beds the Department will need in the future will increase. The Department's official forecast shows an increase from an average daily population of 1164 in June of fiscal year 2003 to an average daily population of 1244 in June of fiscal year 2006.
- Renovation of housing units at Hanover Juvenile Correctional Center from open bay sleeping areas to individual or small sleeping rooms will upon completion result in the reduction of the actual number of beds available for wards at Hanover. This will necessitate the need for additional beds. In addition, capacity will be reduced at Hanover for the next 18 months due to construction of the new housing units, resulting in the disbursement of wards to other institutions.
- The Department has a length of stay system, which is based on consistent and objective criteria. One of the most important criteria impacting the length of stay is the number and severity of offenses found in the offense history. Since the General Assembly changed commitment criteria to four misdemeanors or a felony, wards currently being committed have greater numbers of offenses or a serious offense as their committing charge. This impacts the length of stay calculations and has resulted in longer lengths of stay for wards.
- The use of determinate sentencing by the judiciary has increased and has resulted in longer lengths of stay for wards committed as serious offenders. The number of wards

committed as a serious offender has risen from 5% of the population in fiscal year 1997 to 10% of the population in fiscal year 2003. The average sentence for the serious offender ward went from 30.5 months in fiscal year 1995 to 37.8 months in fiscal year 2003. The use of determinate sentencing and the length of the sentence are expected to continue to rise.

- Wards committed for sexual offenses stay longer than most wards due to the amount of time it takes to successfully get through the treatment program. The number of wards committed for sexual offenses has risen from 6% of the population in fiscal year 1999 to 9% in fiscal year 2002.
- The Department, in the very near future, is faced with the challenge of providing sight and sound separation of older wards from younger wards that were committed by an adult court. Initial review of this mandate indicates it will represent a substantial number of wards who will need to be housed at a single facility and/or classified separately at several facilities. This only accentuates the DJJ need for retention of existing Correctional Centers which are being required to accommodate ever expanding classification criteria. The Culpeper design is the most cost effective and most efficient facility to readily accommodate this separation while maintaining adequate security measures to support public safety.
- The placement of females at Culpeper was a temporary solution to a longer term problem. It is essential that Culpeper be converted back to a male center in the near future in order to accommodate the male population and to address the growing security threat that the activity of regional groups is causing in the juvenile correctional centers.
- The age of the population continues to get older with over three hundred males being 18 years of age or older. The potential of the older male to threaten public safety should they escape is much greater than that of the younger male. Many of the older males have adult sentences or long term adult probation awaiting them upon release from DJJ. This makes them a greater security risk and requires the secure environment provided by Culpeper.
- Culpeper is a vital resource for DJJ to appropriately address operational issues regarding classification. There are currently only two placement options (Beaumont and Bon Air) for wards with the highest security need. These two centers are forced to accommodate wards from the age of 11 to 21 with various treatment needs. Culpeper needs to be retained and used as a third placement option so that male wards can be appropriately housed, treated, separated and protected.

In summary, a sound juvenile justice system and best practices dictate the system has flexibility to classify wards and house them in a manner that ensures care, treatment and control is provided in a safe and humane setting. The loss of Culpeper would severely impact the ability, of an already challenged Department of Juvenile Justice, to accomplish the above and thus meet its primary goal of public safety.

Item 401B – Utilization of Culpeper Juvenile Correctional Center

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The section of the report entitled “Tri-County Juvenile and Adult Detention Center” is currently available only in PowerPoint format.

[View the presentation](#) (23.7 Mb).

The section of the report entitled
“Administrative Plan for a Tri-County Juvenile
and Adult Detention Center” is currently
available only in PowerPoint format.

[View the presentation](#) (512 K).

Culpeper Juvenile Correctional Center

W. Stephen Pullen

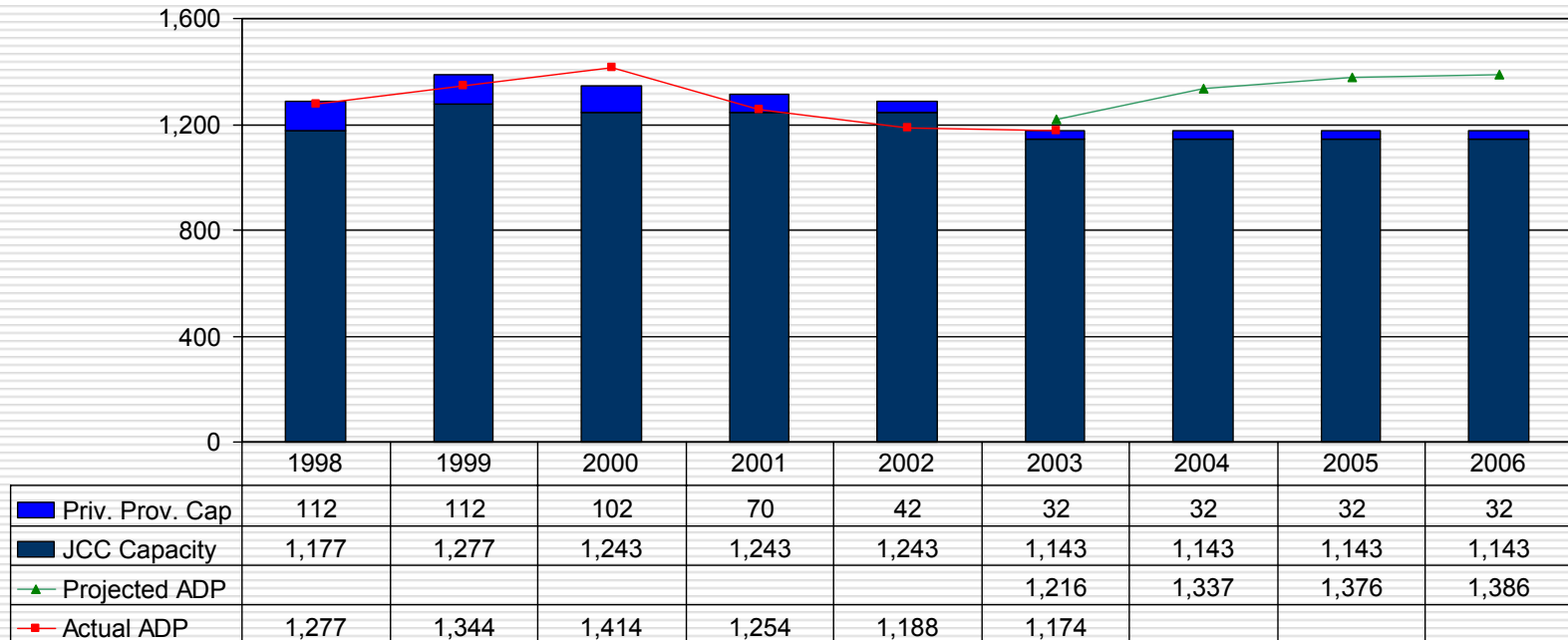
Deputy Director, Administration and Finance

Department of Juvenile Justice

July 21, 2003

State Responsible Juvenile Offenders

Capacity vs. ADP – Historical and Projected



- ❑ ADP information includes all state responsible juveniles.
- ❑ JCC capacity reduced by 100 beds in FY03 as part of budget cuts.
- ❑ Beginning in January 2004, JCC capacity will be internally realigned due to renovations at Hanover JCC.
- ❑ Total ADP has exceeded JCC capacity every year except FY02.

Current Population

Characteristics of Committed Youth, by Age

Sex	Age									Total
	12	13	14	15	16	17	18	19	20	
Female	2	0	6	10	24	17	15	2	1	77
Male	0	11	52	139	233	341	217	73	18	1,084
Court type										
Circuit	0	0	1	10	42	80	62	34	14	243
JDR	2	11	57	138	213	278	170	41	5	915
Classification Level										
Low	0	4	7	41	61	89	85	22	6	315
Medium	0	3	24	49	97	159	81	30	9	452
High	1	3	19	38	67	81	46	14	4	273
Intensive	1	1	7	20	31	28	19	9	0	116

Current population data based on database download on July 8, 2003.

- ❑ 59% of DJJ wards are age 17 or older.
- ❑ Males are 93% of the total population, and 95% of the 17+ population.
- ❑ Circuit court commitments are 21% of the total population, and 28% of the 17+ population.
- ❑ Wards with a High or Intensive classification level are 34% of the total population, and 29% of the 17+ population.

Current Population

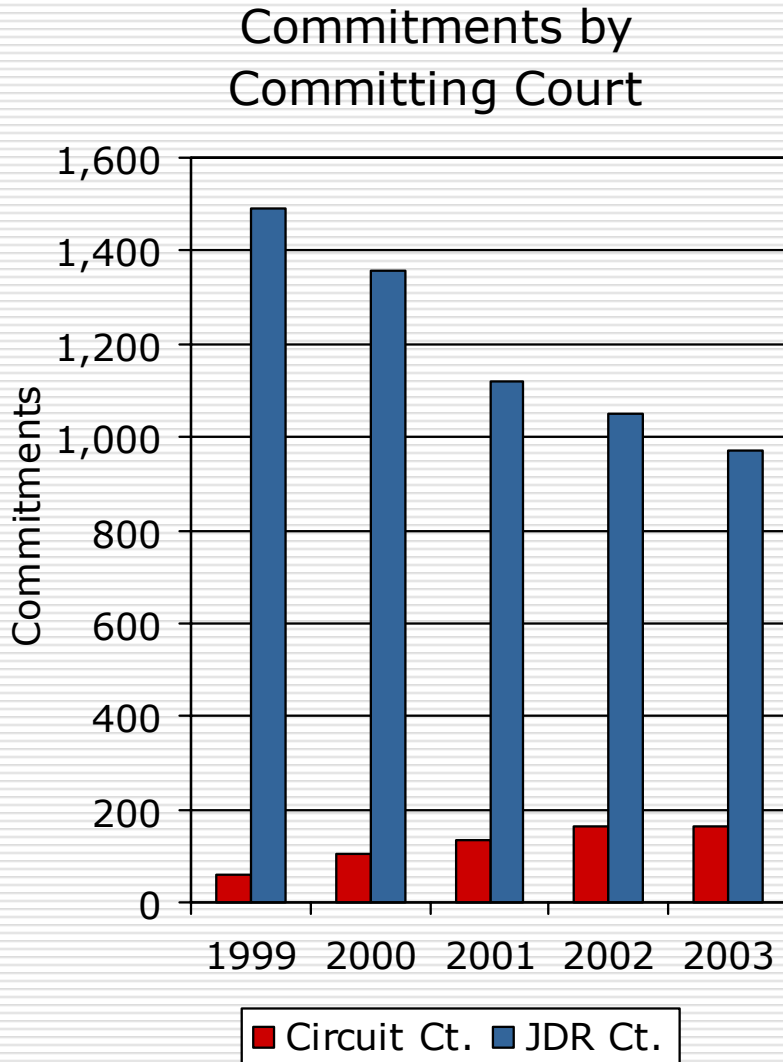
Characteristics of Committed Youth, by Age

Assigned Length of Stay	Age									Total
	12	13	14	15	16	17	18	19	20	
Shortest Range (3-6 Months)	1	1	4	7	16	14	4	0	1	48
Minimum of 18 or more months	0	4	20	44	67	80	74	18	3	310
Determinate Commitment	0	0	0	7	29	71	64	40	12	223
Other	1	6	34	89	141	190	89	17	3	570
Months Served to Date										
Average Months Served	2.0	4.6	5.2	6.7	7.6	7.2	11.7	18.9	24.1	9.0
Most Serious Committing Offense										
Felony: Person	0	5	24	58	93	126	104	53	13	476
Felony: Weapon/Narcotics Distribution	0	0	4	10	17	40	33	8	1	113
Felony: Other	0	3	22	65	94	122	66	9	3	384
Class 1 Misd: Person	1	1	4	8	19	14	11	2	1	61
Class 1 Misd: Other	1	2	3	6	22	32	8	0	0	74
Parole Violation	0	0	1	1	10	21	9	3	1	46

Current population data based on database download on July 8, 2003.

- ❑ Determinately committed wards are 19% of the total population, and 28% of the 17+ population.
- ❑ The average number of months served to date by the total population is 9.0 months, versus 10.5 months for the 17+ population.
- ❑ Wards with a person felony, weapons felony, or narcotics distribution felony are 51% of the total population, and 56% of the 17+ population.

Commitments from Circuit Court



- Commitments from JDR District decreased 35% between FY1999 and 2003. Circuit Court commitments *increased* 173% in that time period.
- In FY1999, 4% of commitments were from Circuit Court. By FY2003, 14% were from Circuit Court.

Classification and Placement Guidelines

Facility Classification and Guidelines for Placement

Facility	Capacity	Classification Levels	Age Range	LOS parameters
Reception and Diagnostic Center*	144 Males 22 Females	I, II, III, IV Males & Females	11-20	Indeterminate: Max. = 36 months Determinate: ALL Major Offender: ALL
Juvenile Correctional Centers				
Barrett	98	I, II, III Males	15-18	Indeterminate: Max. = 18 months, Min. = 9 months Determinate: Max. = 12 months, Min. = 6 months Major Offender: Max. = 18 months, Min. = 9 months
Beaumont*	322	I, II, III, IV Males	15-20	Indeterminate: Max. = 36 months Determinate: ALL Major Offender: ALL
Bon Air*	220	I, II, III, IV Males	11-20	Indeterminate: Max. = 36 months Determinate: Max. = 36 months Major Offender: ALL
Hanover	154	I, II, III Males	11-18	Indeterminate: Max. = 36 months Determinate: ALL Major Offender: ALL

* These institutions also classify within the institution and separate ages where possible.

Note: These guidelines are valid as of July 2, 2003. Changes may occur as facilities such as Hanover undergo construction and juveniles are dispersed to other facilities for example.

- ❑ All juveniles are initially housed at the RDC.
- ❑ There are only 2 placement options for Classification Level IV males (Beaumont and Bon Air).
- ❑ Barrett is focused on wards with substance-abuse problems, providing a therapeutic community.

Classification and Placement Guidelines

Facility Classification and Guidelines for Placement

Facility	Capacity	Classification Levels	Age Range	LOS parameters
Culpeper*	72	I, II, III, IV Females	16-20	Indeterminate: Max. = 36 months Determinate: ALL Major Offender: ALL
Oak Ridge	40	I, II, III, IV Males	11-20	Indeterminate: Max. = 36 months Determinate: ALL Major Offender: ALL
Natural Bridge	71	I, II Males	15-20	Indeterminate: Max. = 15 months Determinate: Max. = 12 months Major Offender: Max. = 6 months; CCRC may approve longer

* These institutions also classify within the institution and separate ages where possible.

Note: These guidelines are valid as of July 2, 2003. Changes may occur as facilities such as Hanover undergo construction and juveniles are dispersed to other facilities for example.

- Oak Ridge houses a specialized population of male offenders with developmental disabilities and severe behavior disorders. Some of these wards may have a Classification Level of IV. However, this JCC cannot be used for generalized placements.

Hanover Renovation

- Five cottages will go off-line in the late fall or early winter of FY 2004 as part of renovations.
- Hanover's capacity will drop to 100 beds.
 - 50 to 75 wards will be moved from Hanover to other facilities. Correctional staff will also be temporarily moved to these facilities, to maintain staff to ward ratios.
 - Two Sex Offender units and JROTC will remain at Hanover during this project.
- Funded by federal grant.
 - The funds for this project must be spent by January, 2005.

Factors to Consider

- ❑ Culpeper JCC has the wastewater and freshwater capacity for 280 beds.
- ❑ Interdepartmental Standards for Staff Supervision of Children.
 - At least one trained child care worker on the premises, on duty and actively supervising residents at all times that one or more residents are present.
 - During waking hours, ratio of one child care worker per ten residents.
 - When residents are sleeping, there shall be at least one child care staff member awake and on duty for every 16 children or portion thereof.
- ❑ Board Standards for Staff Supervision of Children.
 - Staff shall provide 24-hour awake supervision seven days a week.
 - When both males and females are housed in the same living unit, at least one male and one female staff member shall be actively supervising at all times.
 - Staff shall always be in plain view of staff of the opposite sex when entering an area occupied by residents of the opposite sex.

Sight and Sound Separation

- ❑ DCJS letter regarding OJJDP interpretation of the amended JJDP Act
- ❑ There are currently 105 male and five female wards who are 18 years old or older and who were committed by Circuit Court.

Estimated Debt Service – Culpeper JCC

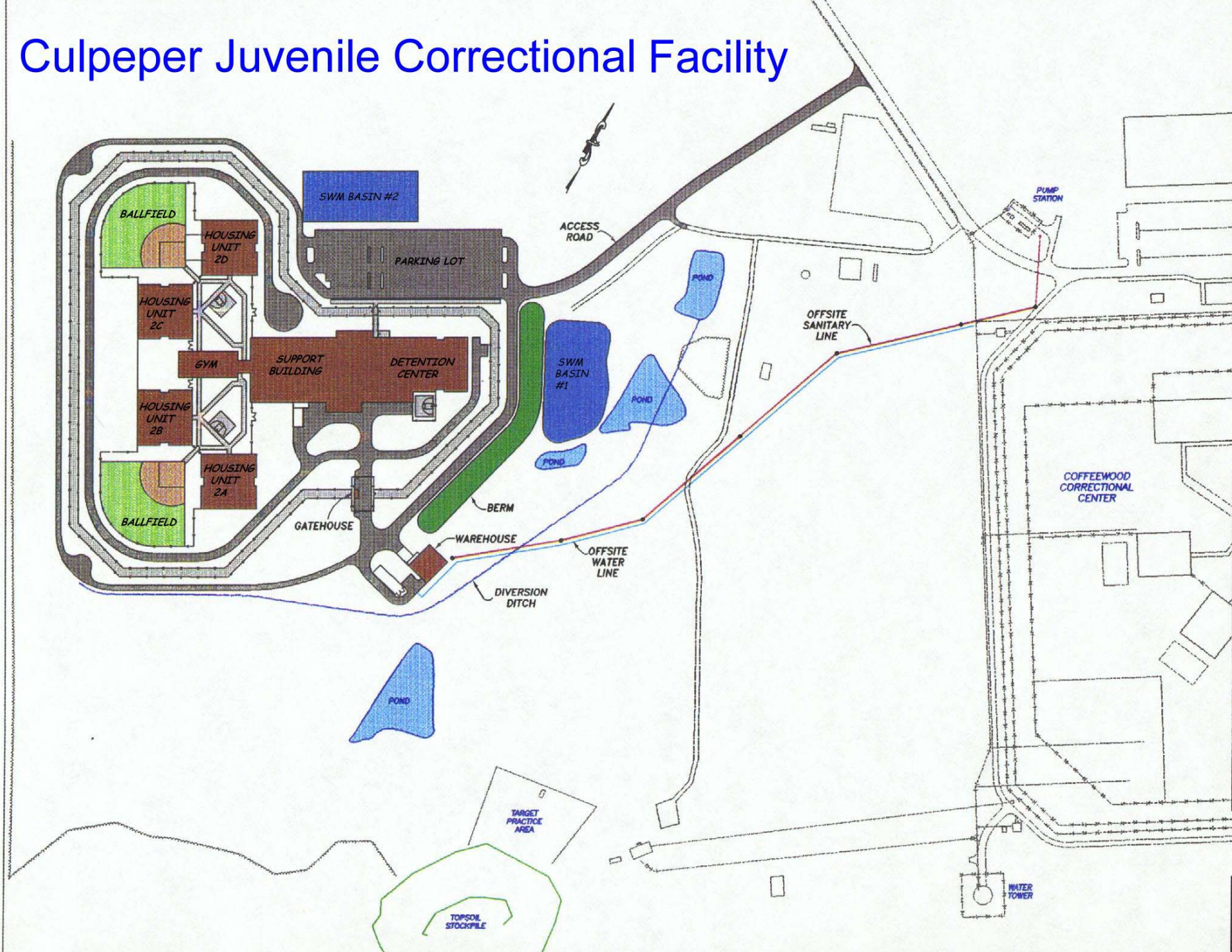
<u>Fiscal Year Ended</u>	<u>1997A</u> <u>Debt Service</u>	<u>1998B</u> <u>Debt Service</u>	<u>1999A</u> <u>Debt Service</u>	<u>2000A</u> <u>Debt Service</u>	<u>2001A</u> <u>Debt Service</u>	<u>TOTAL</u> <u>Debt Service</u>
6/30/2004	\$2,065,461	\$282,050	\$17,737	\$12,272	\$2,091	\$2,379,611
6/30/2005	2,064,006	281,525	17,734	12,038	2,092	2,377,395
6/30/2006	2,057,858	281,503	17,746	12,039	2,092	2,371,239
6/30/2007	2,055,775	281,131	17,742	12,041	2,091	2,368,781
6/30/2008	2,053,978	280,835	17,734	12,015	2,088	2,366,649
6/30/2009	2,051,429	281,021	17,740	12,023	2,088	2,364,302
6/30/2010	2,054,046	280,791	17,737	11,992	2,088	2,366,654
6/30/2011	2,051,756	280,145	17,745	11,979	2,085	2,363,710
6/30/2012	2,050,062	279,937	17,750	11,963	2,082	2,361,795
6/30/2013	2,046,650	279,697	17,741	11,976	2,080	2,358,142
6/30/2014	2,044,472	279,828	17,749	11,962	2,078	2,356,089
6/30/2015	2,040,842	279,434	17,746	11,953	2,079	2,352,053
6/30/2016	2,039,555	278,941	17,735	11,939	2,076	2,350,246
6/30/2017	2,036,281	278,755	17,739	11,909	2,072	2,346,756
6/30/2018	2,034,016	278,405	17,739	11,900	2,071	2,344,131
6/30/2019	0	278,295	17,733	11,880	2,070	309,978
6/30/2020	0	0	17,736	11,867	2,064	31,667
6/30/2021	0	0	0	11,846	2,062	13,909
6/30/2022	\$0	0	0	0	2,059	2,059
TOTAL Debt Service Outstanding	\$30,746,187	\$4,482,294	\$301,586	\$215,593	\$39,505	\$35,785,165
Total Bond Issue	\$152,885,000	\$40,425,000	\$68,920,000	\$104,990,000	\$35,830,000	\$403,050,000
Culpeper \$ Share of Issue	\$24,981,240	\$3,540,546	\$228,902	\$142,316	\$27,215	\$28,920,219
Culpeper % Share of Issue	16.34%	8.76%	0.33%	0.14%	0.08%	7.18%

Total Debt Service at Completion: \$35,785,165

Summary of the Issues

- ❑ Projections exceed JCC capacity.
- ❑ Aging JCC population
 - Secure facilities needed for older wards, who are more likely to have a violent committing offense, a determinate commitment, and a longer length of stay.
- ❑ There are only two placement options for male wards with a security classification of IV (intensive).
- ❑ Circuit Court commitments have increased 173% since FY 1999.
- ❑ Hanover JCC to lose 54 beds during renovation.

Culpeper Juvenile Correctional Facility



Sight and Sound Separation under the Juvenile Justice and Delinquency Prevention Act

Will D. Bronson, Jr.

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Sight and Sound Separation

- According to Section 223(12)(A) of the 2002 Juvenile Justice and Delinquency Prevention Act

“juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph 11 [status/non-offenders or dependent or neglected children] will not be detained or confined in any institution in which they have contact with adult inmates...”

Sight and Sound Terminology

- To better understand the sight and sound requirements under the JJDP Act, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides clarity for terminology used within the language of the Act

Terminology “Continued”

- OJJDP states that an adult inmate/adult incarcerated person means an individual who:
 - »Has reached the age of full criminal responsibility under applicable state law (18 years of age according to COV 16.1-228)
 - »Has been arrested and is in custody for or awaiting trial on a criminal charge offense.

Terminology Continued

- OJJDP provides that “contact” refers to physical or sustained sight and sound contact with incarcerated adult inmates.
- Sight Contact – refers to clear visual contact between incarcerated adults in close proximity to juveniles alleged to be or found to be delinquent, status offenders or non-offenders in a secure institution.

Terminology Continued

- Sound Contact- refers to direct oral communication between incarcerated adults and delinquent juveniles in secure settings.

Sight and Sound Requirement

- Sight and sound separation must be achieved through architectural and/or procedural means to ensure that juveniles do not have contact with incarcerated adults.
 - The JJDP Act specifically prohibits any contact in residential areas that include: any areas used to confine juveniles overnight, shower/toilet facilities, and day room areas.

Sight and Sound Exception

- Although sight and sound separation states that no contact is permitted between adult inmates and confined delinquent juvenile offenders, brief and/or inadvertent contact may occur without being recorded as a violation of the JJDP Act.

Important Things to Remember About Sight and Sound Separation

- The separation requirement prohibits a State from transferring adult offenders to a juvenile correctional authority for placement in a juvenile facility.
 - For instance:
 - » An adult can not be transferred to a juvenile detention center to alleviate overcrowding in an adult facility.

Important Things to Remember About Sight and Sound Separation “Continued”

- A juvenile who has been transferred or waived or is otherwise under the jurisdiction of a criminal court may be detained in a juvenile correctional facility with others who are under the jurisdiction of the juvenile court.
- Once the waived or transferred youth becomes an adult (age 18 in VA) he/she must be transferred to an adult facility within six months.
 - Violations are counted for each child that comes into contact with the adult incarcerated person

Consequences of JJDP Act Non-Compliance

- For States that do not meet compliance with any of the core requirements of the JJDP Act, a 20% reduction of funding for each core requirement not complied with will occur, in addition to a commitment of 50% of the allocated amount to be devoted for activities to bring the State into compliance.

Consequences of JJDP Act Non-Compliance “Continued”

- For example:

- » In FY03, Virginia’s formula grant allotment was \$1,392,000. Non compliance with a core requirement would reduce the amount funded by 20%, or \$278,000; and 50% of our remaining \$1,113,600, or \$556,800, would have to be expended toward achieving compliance, leaving only \$556,800 for juvenile justice initiatives throughout the state

Collocated Facilities

Collocated Facilities under the JJDP Act

- A collocated facility is a juvenile facility located in the same building as an adult jail or lock-up, or part of a complex of buildings located on the same grounds as an adult jail or lock-up.
- Juvenile facilities collocated with adult jails are considered adult jails or lock-ups if they do not comply with the following criteria:

Collocated Facilities “Continued”

- **Sight and Sound Separation from adults**
- **Separate programming**
- **Allows for the utilization of the same staff, provided that there is in effect a State policy that requires the staff to be trained and certified to work with the juvenile population**
- **State approved to operate as a collocated facility.**

Questions/Concerns

- **For additional information on any of the JJDP Act Core Requirements, please contact:**

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October 6, 2003

Memorandum

To: The Office of the Secretary of Public Safety

From: Will D. Bronson, Jr., Compliance Monitor, DCJS

Cc: Fran Ecker, Director, Division of Programs and Services, DCJS
Laurel Marks, Interim Juvenile Services Chief, DCJS

Re: Separation Requirement for 18 Year Old Circuit Court Juvenile Wards

The Virginia Department of Criminal Justice Services (DCJS) is responsible for monitoring Virginia's compliance with federal law relative to the secure confinement of juveniles. Specifically, the Juvenile Justice and Delinquency Prevention Act of 1974 (as amended), as well as the JJDP Act of 2002, mandate that states achieve the following:

1. Deinstitutionalization of status offenders;
2. Sight and sound separation of juveniles from adult offenders;
3. Removal of juveniles from secure jails and lock-ups; and
4. Address the overrepresentation of minorities in the juvenile justice system.

In April 2003, DCJS was informed of an OJJDP (Office of Juvenile Justice and Delinquency Prevention) policy change regarding one of the core requirements of the Juvenile Justice and Delinquency Prevention (JJDP) Act, the requirement that juveniles in confinement be sight and sound separated from adult criminal inmates. The change occurs around OJJDP's guidance regarding juveniles tried and convicted as adults in circuit court (criminal), but committed to the Department of Juvenile Justice (DJJ).

OJJDP's former guidance was that as long as a person had an uninterrupted stay in the juvenile correctional facility, they could remain in the facility along with incarcerated juvenile delinquents until the end of the juvenile court jurisdiction as determined by the state. Virginia has consistently been found in compliance under the former guidance. However, there was an internal policy change at OJJDP. Under the current guidance from

Separation Requirement Memorandum
October 6, 2003
Page Two

OJJDP, once these individuals who were tried in circuit court but sentenced to a juvenile correctional center reach the age of 18.5, they must be separated from the incarcerated juvenile delinquents.

The JJDP Act was reauthorized in 2002, and the content of the separation requirement did not change. Language in the reauthorized JJDP Act of 2002 (42 U.S. C. 5633, Section 223(12)(A)) states that:

“...juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) [status offenders] will not be detained or confined in any institution in which they have contact with adult inmates[.]”

The JJDP Act of 2002 defines an adult inmate in Section 103 (26) as “an individual who:

“(A) has reached the age of full criminal responsibility under applicable State law [18 in VA]; and

“(B) has been arrested or is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal charge offense.”

This provision of the JJDP Act is intended to separate juvenile delinquent offenders from adults incarcerated for a criminal offense and specifically indicates that juveniles securely confined must not be placed in any facility where they have contact with incarcerated adults.

The Code of Virginia permits blended sentencing for juveniles tried and convicted in adult courts. Section 16.1-272(1) of the Code of Virginia provides, in part, that:

“If a juvenile is convicted of a violent juvenile felony, for that offense and for all ancillary crimes the court may order that (i) the juvenile serve a portion of the sentence as a serious juvenile offender under § 16.1-285.1 and the remainder of such sentence in the same manner as provided for adults; (ii) the juvenile serve the entire sentence in the same manner as provided for adults; (iii) the portion of the sentence to be served in the same manner as provided for adults be suspended conditioned upon successful completion of such terms and conditions as may be imposed in a juvenile court disposition of a delinquency case including, but not limited to, commitment under subdivision 14 of § 16.1-278.8 or § 16.1-285.1.”

While the Code of Virginia provides for blended sentencing of juveniles waived or transferred to circuit court and grants DJJ jurisdiction over wards whose offenses were committed as juveniles until age 21, the placement of persons 18 years of age or older and convicted of a criminal offense in secure juvenile correctional facilities together with juvenile delinquents constitutes a clear violation of the separation requirement of the JJDP Act. These individuals are classified as “criminals” by virtue of their circuit court conviction; this is in contrast with those individuals convicted in juvenile court, who are classified as “delinquents.”

As stated in OJJDP's Guidance Manual for Compliance Monitoring* :

“A juvenile who has been transferred or waived or is otherwise under the jurisdiction of a criminal court may be held in a secure juvenile correctional facility or juvenile detention center with other juveniles who are under the jurisdiction of the juvenile court. This is not a violation of the separation requirement because the youth is not a juvenile “alleged to be or found to be delinquent” (he or she has been charged with a criminal, not a delinquent, act) and the youth is not an “adult person” incarcerated because he/she has been convicted of a crime or is awaiting trial on criminal charges. Once the transferred, waived, or certified youth becomes an adult, however, he or she must be transferred to an adult facility within 6 months.”

When considering the implications of the placement of persons aged 18 years or older convicted of a criminal offense in juvenile correctional facilities, it is important to note that if the adult inmate is not separated from juveniles, each juvenile with whom that adult comes into contact represents a violation of the JJDP Act. Failure to comply with the separation requirement of the JJDP Act, as with any of the core requirements, would result in a reduction of funds coming to the state from OJJDP. If a State is found to be non-compliant with this provision of the JJDP Act, a corrective action plan must be submitted within six months from the submission of the State's JJDP Act Compliance Report. Virginia's next Compliance Report is due to OJJDP by December 31, 2003. The corrective action plan must clearly establish and articulate policies and procedures designed to bring the State into compliance within two years from the submission of the plan.

I hope that this information provides clarification on this potential JJDP Act compliance issue. If you would like further clarification, please contact me directly at (804) 786-0051 or wbronson@dcjs.state.va.us.

* OJJDP will likely release new guidance information regarding separation requirements when they prepare their regulations that will govern the newly reauthorized JJDP Act of 2002.

In considering collocation with regards to Culpeper JCC, two scenarios were examined. They are as follows:

- 1) Using the facility to house one population on the JCC portion and one population on the detention side, or
- 2) Using the JCC portion to house both juvenile and adult populations with juvenile detention services remaining.

Scenario 1

After briefly touring the facility as well as reviewing existing literature from the Office of Juvenile Justice and Delinquency Prevention (OJJDP)* regarding collocation requirements, I do believe that Culpeper Juvenile Correctional Center may be used to house both adult inmate populations and juvenile delinquent populations under the presumption that a separate populations would utilize separate portions of the building. Housing juveniles on the detention portion and adult inmates on the JCC portion may be allowable. However, it should be noted at the outset that considerable physical modification must occur in order to ensure compliance with sight and sound separation requirements prior to certification. Some of the more obvious issues are as follows:

- The sally port (point of entry for inmates/wards) would need modification to ensure sight and sound separation, and would likely require the construction of a separating wall in addition to very strict time staggered use of the port to ensure both sight and sound separation.
- All outdoor perimeter fences would require modification to prevent visual contact during recreational activity. Since these modifications would not prohibit sound contact, strict programming would also be necessary to ensure sound separation.
- Medical capacity must be placed on each side of the structure.
- Main control room glass and cameras would require modification to prevent sight contact.
- Staffing issues related to supervising both juvenile and adult inmate populations would need to be addressed.

The above items are only some of the major challenges faced when considering the possibility of housing adult inmates and juvenile delinquents at the Culpeper facility. There are other areas that will need to be addressed and a complete formal listing of proposed modifications will be made available if so desired. Attached to this memo are collocation requirements and the federal collocation checklist for review.

October 6, 2003

Memorandum

To: The Office of the Secretary of Public Safety

From: Will D. Bronson, Jr., Compliance Monitor, DCJS

Cc: Fran Ecker, Director, Division of Programs and Services, DCJS
Laurel Marks, Interim Juvenile Services Chief, DCJS

Re: Culpeper Juvenile Correctional Facility

On July 29, 2003, I visited the Culpeper Juvenile Correctional Facility and Detention Home in order to determine whether the facility could be sufficiently modified for certification as a collocated facility. Mr. John Coble, Program Manager, DJJ; Mr. Bill St. Clair, Capitol Outlay Director, DJJ; Mr. R. Jennings James, Building Inspector, DJJ; and I toured the Culpeper JCC and discussed collocation requirements as they pertain to juvenile ward and incarcerated adult populations coexisting within the facility. A follow-up visit occurred on August 13, 2003, with Ms. Laurel Marks, Interim Chief, Juvenile Services Section, DCJS.

Culpeper JCC was opened in March 1999 and consists of a two part building structure used to house both juvenile detainees and juvenile wards committed to state care. At present, the JCC portion of the facility has four housing units with a capacity of 225 and is used to house female wards committed to the state. The population of the facility fluctuates, recently holding as many as 110 wards. On August 27, 2003, the facility had a population of 60. The detention side of the building has a capacity of 52 and has been used to hold up to 50 detainees. The detention side of the building is designed to operate mostly as an independent enterprise complete with recreation areas, multipurpose room areas, meeting and administration areas, visitation areas, and a cafeteria; however, final authority to control overall operations comes from the main JCC control room. In addition, meal preparation and medical care is currently received on the JCC side of the building.

Scenario 2

Despite the Culpeper JCC portion of the facility being designed to operate with four separate housing units creating maximum bed space capacity of approximately 225, after visiting the facility, it does not appear well-suited to house juvenile and adult populations. Under the presumption that a juvenile population could utilize two of the four housing units with local adult jail inmates utilizing the remaining two, clear sight and sound separation issues would be pervasive and likely would result in numerous JJDP Act violations. All of the issues noted under the first scenario would be true under this perspective since there would be juveniles on one side of the building (i.e., the detention side) and adults on part of what currently is the JCC side. Additionally, even in the event that one of the populations was kept in their housing unit and were provided food, medical treatment, programming, recreation, etc. in the unit, due to the close proximity of the adult inmate housing unit to the juvenile delinquent housing unit, it is unlikely that they would be able to ensure separation without significant reconstruction.

Under this scenario, it also should be understood that the level of programming available for the juvenile population would be dramatically reduced due to the limited range of movement available for both populations to ensure compliance with sight and sound separation requirements. Although costly physical modification and/or construction, in addition to the use of strict programming strategies may aid in creating separation with respect to juvenile and adult populations, the extent of the modifications necessary make this solution impractical and infeasible.

Although with physical modification, it may be possible for Culpeper to be certified as a collocated facility, consideration should be given to whether local inmates sharing facility space with juveniles is in keeping with the State's high standards to protect, house, and treat delinquents in care. At present, the Culpeper Juvenile Correctional Center and detention facility appears to be extremely well designed to house both the juvenile detention and juvenile correctional center populations. While modifications are possible, it would be prudent to look at other issues as well in determining the best use of the facility.

* OJJDP will likely release new guidance regarding collocated facilities when they prepare their regulations that will govern the newly reauthorized JJDP Act of 2002.

2004 State Responsible Juvenile Offender Admissions and Population Forecast

Fiscal Year	Total Admissions	Difference	Percentage Change	End of Fiscal Year Population	Difference	Percentage Change
Historical¹						
1996	1,734	-----	----	1,236	-----	----
1997	1,701	-33	-1.9%	1,293	57	4.6%
1998	1,674	-27	-1.6%	1,243	-50	-3.9%
1999	1,594	-80	-4.8%	1,454	211	17.0 %
2000	1,450	-144	-9.0%	1,373	-81	-5.6%
2001	1,241	-209	-14.4%	1,206	-167	-12.2%
2002	1,220	-21	-1.7%	1,208	2	0.2%
2003	1,182	-38	-3.1%	1,164	-44	-3.6%
Projected²						
2004	1,148	-34	-2.9%	1,160	-4	-0.3%
2005	1,148	0	0.0%	1,229	69	5.9%
2006	1,148	0	0.0%	1,244	15	1.2%
2007	1,148	0	0.0%	1,253	9	0.7%
2008	1,148	0	0.0%	1,255	2	0.2%
2009	1,148	0	0.0%	1,257	2	0.2%
2010*	1,148	0	0.0%	1,278	21	1.6%
2011*	1,148	0	0.0%	1,299	21	1.6%
2012*	1,148	0	0.0%	1,320	21	1.6%
2013*	1,148	0	0.0%	1,342	22	1.6%
Average Percentage Change Per Year						
1996-2003			-5.2%			-0.5%
2005-2009			0.0%			1.6%

¹Data Source: Historical data was supplied by the Juvenile Tracking System. Total Admissions represent the sum for each FY. Population data represent June values for each FY.

²Projected forecast was developed by the Technical Advisory Committee for Offender Population Forecasting and approved by the Policy Advisory Committee for Offender Population Forecasting.

*Figures for FY 2010 to FY 2013 are extrapolated using the average percentage change from FY 2005 to FY 2009.

**2004 June Historical and Projected Local Responsible Jail Offender
Population Forecast**

Historical¹ Average Fiscal Year	Offenders	Annual Change Difference	Percent³
FY1999	12,777	-----	-----
FY2000	13,962	1,185	9.2%
FY2001	14,823	861	6.2%
FY2002	15,544	721	4.9%
FY2003	16,457	913	5.9%
Projected²			
FY 2004	17,521	1,064	6.5%
FY 2005	18,297	776	4.4%
FY 2006	19,192	895	4.9%
FY 2007	20,080	888	4.6%
FY 2008	20,967	887	4.4%
FY 2009	21,855	888	4.2%
FY 2010*	22,842	987	4.5%
FY 2011*	23,875	1,033	4.5%
FY 2012*	24,954	1,079	4.5%
FY 2013*	26,082	1,128	4.5%
Average Percentage Change per Year			
1999-2003			6.6%
2005-2009			4.5%

¹Data Source: Historical data are based on the Local Inmate Data System.
Table 5 contains June historical and projected Jail Population Change.

²Projected forecast developed by the Technical Advisory Committee for Offender Population Forecasting and approved by the Policy Advisory Committee for Offender Population Forecasting.

³ All percentages are rounded to the nearest tenth.

*Figures for FY 2010 to 2013 are extrapolated using the average percentage change from FY 2005 to FY 2009.